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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,882	03/06/2002	Tara Chand Singhal	11195.41	6932
7590 Tara Chand Singhal P.O. Box 5075 Torrance, CA 90510				
		EXAMINER		
		MAGUIRE, LINDSAY M		
		ART UNIT		
		PAPER NUMBER		
		3692		
		MAIL DATE		
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		04/02/2009		
		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/091,882

**Applicant(s)**

SINGHAL, TARA CHAND

**Examiner**

LINDSAY M. MAGUIRE

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

This Final Office action is in response to the application filed on March 6, 2002, the amendments filed on July 9, 2007, the Request for Continued Examination filed on December 6, 2007, the amendments filed on April 25, 2008, the Request for Continued Examination filed on October 27, 2008, and the amendments filed on February 20, 2009.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Showghi et al. '739, alone.

Showghi et al. '739 disclose payment system/method that provides privacy of customer bankcard data, comprising: a. a bill that shows a payment amount and a service code that includes a merchant identification to a central system that is separate from the merchant system (column 2, lines 56-67; column 5, lines 17-22; column 6, line 27-column 7, line 8); b. a wireless device of a customer (22, 24, 26; Figure 2) with, (i) means for entering the service code, a payment amount (column 5, lines 17-22 & column 7, lines 43-55), and (ii) means for sending the data to the central system which

pre-stores customer data and merchant data (i.e. wireless; Figure 2); c. central system (16, 18) means for identifying the customer and processing a payment request from the customer to the merchant by retrieving customer and merchant data and submitting a payment transaction request to an existing payment authorization network (column 7, lines 43-55); d. central system (16, 18) means for receiving a payment approval record and sending payment approval notification to the customer on the wireless device (column 7, lines 43-55; i.e. acknowledges receipt of goods, acknowledges that the payment is going through); e. central system means for sending payment approval notification to the merchant system having submitted the payment transaction request (column 2, lines 56-67), the payment system maintains privacy of customer bankcard data from the merchant system (column 7, lines 43-55; column 5, lines 32-38, i.e. through the internet service provider). Showghi et al. '739 additionally disclose, that the central system stores (i) customer identification means, (ii) a plurality of customer bank account data and (iii) wireless device notification means (column 7, lines 43-47); the customer identification means using a personal number that is a combination of wireless device telephone number and a personal identification number that is entered into the wireless device (if a person is using their own wireless device, i.e.22, 24, 25, then their phone number is obviously contained within their personal number); the central system stores merchant identification that identify the merchant to a payment authorization network and merchant computer system notification means (column 5, lines 29-32; column 7, lines 43-55); where the service code includes in addition to the merchant identification (i.e. venue code), a table number (i.e. seat number) and a server number

(i.e. delivery person)); the payment approval notification to the merchant system includes the table number and the server number enabling a display terminal interfaced to the merchant system to display payment status data that includes a date (Table 1), a transaction reference (column 2, lines 56-67), table number (seat number), server number (delivery person), payment amount (column 2, lines 56-67), and payment status (column 4, lines 20-24; column 7, lines 43-55).

Showghi et al. '739 disclose the invention substantially as claimed with the exception of requiring: (a) a restaurant bill (claim 18, line 4; claim 24, line 4; claim 30, line 4); and (b) displaying a time and tip (claim 23, lines 6-7; claim 29, lines 6-7).

With respect to (a), Showghi et al. '739 disclose that the items purchased can be those of food for delivery from a vendor in a confined area which constitutes a restaurant. Therefore, it would have been obvious to one of ordinary skill in the art at that the system could be used in a restaurant, since it is already being employed in a venue acting as a restaurant.

Regarding (b), Showghi et al. '739 disclose that the approval data would include the table number (seat number) and the server number (i.e. the deliverer). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a time and an option to tip the delivery person who is delivering the ordered items to the patrons seat, since it is well known in the art to tip a person who is

providing a service, and to provide an easy way for the patron to tip the deliverer without needing to carry cash. Additionally it is well known in the art for a receipt to contain a time of purchase and to allow a patron to raise the amount of the total of their bill for the purposes of tipping or receiving cash back.

### ***Response to Arguments***

Applicant's arguments filed February 20, 2009 have been fully considered but they are not persuasive.

Applicant contends that Showghi is directed to connivance and not to protection, however examiner maintains the position that while Showghi doesn't explicitly intend to function as consumer protection, that does not mean that it does not provide those functions. Showghi prevents a merchant from handling the consumer's credit/debit card and therefore performs the same functions as applicant's invention.

Applicant's arguments that Showghi does not show a central system, are acknowledged, however examiner is of another opinion. Specifically, Showghi et al. '739 discloses a central processing center (column 3, lines 25-27). Therefore, Showghi et al. '739 is considered to fully meet the aforementioned limitations of the claims.

Applicant's arguments that, "the Showghi identification code is inherently different than the service code of the claims 18, 24, and 30" are acknowledged, however

examiner is of another opinion. Specifically, the service code of Showghi et al. '739 does identify the merchant to the central system (Figure 2; column 2, lines 56-67; column 5, lines 17-22; column 6, line 27-column 7, line 8). Therefore, Showghi et al. '739 is considered to fully meet the aforementioned limitations of the claims.

### ***Conclusion***

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts of disclosed by the examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to re t whose telephone number is (571)272-6039. The examiner can normally be reached on M-F: 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lindsay M. Maguire  
3/27/09  
/Lindsay M Maguire/  
Examiner, Art Unit 3692

/Harish T Dass/  
Primary Examiner, Art Unit 3692